

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESUS JIMENEZ, individually and as  
Personal Representative of THE ESTATE OF  
JESUS ANTONIO JIMENEZ,

Plaintiffs,

vs.

JEAN B. RAMEAU and "JANE DOE"  
RAMEAU, husband and wife and the marital  
community compose thereof; WILFRED  
JEAN and "JANE DOE" JEAN, husband and  
wife and the marital community composed  
thereof; GENERAL PARTNERS GROUP,  
INC., a foreign corporation; ZERO MAX,  
INC., a foreign corporation,

Defendants.

NO. 3:24-CV-5139

DEFENDANT WILFRED JEAN'S  
NOTICE OF REMOVAL TO  
FEDERAL COURT

[CLERK'S ACTION REQUIRED]

**[Pierce County Superior Court  
Case No. 23-2-11234-8]**

**TO: Clerk, United States District Court for the Western District of Washington**

**AND TO: All Parties**

**AND TO: All Counsel of Record**

DEFENDANT WILFRED JEAN'S NOTICE  
OF REMOVAL TO FEDERAL COURT –  
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**SCHEER.LAW PLLC**  
2101 FOURTH AVE, STE. 830  
SEATTLE, WA 98121  
P: (206) 800-4070

1           **PLEASE TAKE NOTICE** that Defendant Wilfred Jean (“**W. Jean**”), by and through  
2 its undersigned counsel, hereby removes Case No. 23-2-11234-8, filed in the Superior Court  
3 for the State of Washington for the County of Pierce, to the United States District Court for the  
4 Western District of Washington (Tacoma Division) pursuant to 28 U.S.C. § 1332. In support  
5 of this removal, W. Jean states as follows:

6                                   **I. STATE COURT ACTION**

7           1.       On November 16, 2023, Plaintiff Jesus Jimenez, as personal representative of  
8 the Estate of Jesus Antonio Jimenez (“**Plaintiff**”), filed a Summons and Complaint caption  
9 *Jimenez v. Rameau et al.* in the Superior Court of the State of Washington for the County of  
10 Pierce (“**State Court Action**”). Compl. (available as “**Exhibit 1**”).

11          2.       In the State Court Action, Plaintiff seeks damages arising from the death of  
12 Jesus Antonio Jimenez (the “**Decedent**”) in relation to a motor vehicle collision that occurred  
13 on or about June 1, 2023 in Sumner, Washington. Compl. ¶¶ XVI, 1-5. Plaintiff alleges  
14 negligence, negligent hiring, and vicarious liability against the Defendants. *See* Compl.

15                                   **II. BASIS FOR JURISDICTION**

16           **THIS COURT HAS ORIGINAL JURISDICTION OVER THIS MATTER PURSUANT**  
17 **TO 28 U.S.C. § 1332 BECAUSE THIS MATTER IS BETWEEN CITIZENS OF**  
18 **DIFFERENT STATES AND THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.**  
19

20          3.       “Any civil action brought in a State court of which the district courts of the  
21 United States have original jurisdiction, may be removed by the defendant.” 28 U.S.C. §  
22 1441(a).

23          4.       “The district courts shall have original jurisdiction of all civil actions where  
24 the matter in controversy exceeds the sum value of \$75,000, exclusive of interest and costs,  
25 and is between ... citizens of different States.” 28 U.S.C. § 1332(a).  
26

**A. This State Action, as filed, is a matter between citizens of different states because Plaintiff's state citizenship is not identical to the citizenship of any defendants.**

5. “A party’s citizenship for purpose of diversity jurisdiction is controlled by the party’s domicile.” *Pierson v. Miniati*, 2022 U.S. Dist. LEXIS 2419 (W.D. Wash. Jan 5, 2022), citing *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

6. Plaintiff: For individual parties, “domicile is judicially defined to require that a natural person (1) establish a fixed habitation or abode in a particular place and (2) intend to remain there permanently or indefinitely.” *Lew v. Moss*, 797 F.2d 747, 749-50 (9th Cir. 1986). “[T]he legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent...” 28.U.S.C § 1332(c)(2). Based on information and belief, the Decedent was a citizen of the State of Washington on the date of his death. Compl. ¶ II; Cayton Decl. ¶ 6. Plaintiff is also a citizen of the State of Washington.

7. Defendants J. Rameau and Jane Doe Rameau: J. Rameau and Jane Doe Rameau are citizens of the State of Florida. Compl. ¶ V; Cayton Decl. ¶ 7.

8. Defendants W. Jean, and Jane Doe Jean: W. Jean and Jane Doe Jean are citizens of the State of Florida. Compl. ¶ VII; Cayton Decl. ¶ 7.

9. Defendant GPI: For corporate defendants, “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business...” 28 U.S.C. § 1332(c)(1). At relevant times, General Partners Group, Inc. (“GPI”) was an Ohio corporation with a principal place of business at 5560 Belden Village St NW Suite 303 Canton, OH 44718. Compl. ¶ VIII; Cayton Decl. ¶ 8.

1           10.     Defendant Zero Max: Based on information and belief, General Partners is an  
2 Illinois corporation with a principal place of business at 1540 E. Dundee Rd Suite 220, Palatine,  
3 IL 60074. Compl. ¶ X; Cayton Decl. ¶ 9.

4           11.     Because none of the defendants are domiciled in the State of Washington, and  
5 because Plaintiff is domiciled in the State of Washington, the State Action is between citizens  
6 of different states.

7  
8     **A. The Amount in Controversy is met in this case because Plaintiff is seeking damages in**  
9     **a wrongful death matter.**

10           12.     The amount in controversy is met because Plaintiff is making claims for  
11 damages arising out of the death of the Decedent. Based on the undersigned attorneys'  
12 experience, knowledge of recent court decisions and jury verdicts, and other sources, claims  
13 of this nature are reasonably expected to exceed \$75,000.00. Plaintiff also made a settlement  
14 demand for \$15,000,000.00 and found that Defendants' limits were deemed to be insufficient  
15 to accept. Cayton Decl. ¶ 10.

16  
17                     **III. PROCEDURAL REQUIREMENTS**

18  
19           13.     Removal to this Court is Proper: Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a),  
20 W. Jean files this Notice of Removal in the United States District Court for the Western District  
21 of Washington, which is the federal district court embracing the state court where Plaintiff  
22 brought the State Court Action - in Pierce County, Washington. Venue is proper in this district  
23 pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 128(a). Under Local Civil Rule 3(e)(1),  
24 removal to the Western District of Washington at Seattle is proper because a substantial part  
25  
26

1 of the alleged events or omissions that give rise to the claims occurred in Pierce County. See  
 2 Compl. ¶ III.

3 x. Removal is Timely: On or about February 9, 2024, Plaintiff served W. Jean a  
 4 copy of the Summons and Complaint upon W. Jean. Cayton Decl. ¶ 4. This Notice of Removal  
 5 is filed within 30 days of W. Jean's service pursuant to 28 U.S.C. § 1446(b). Defendant J.  
 6 Rameau was previously served on or about December 6, 2023. Cayton Decl. ¶ 3. However,  
 7 the Ninth Circuit Court of Appeals allows for removal by "later-served" defendant. *See*  
 8 *Destfino v. Reiswig*, 630 F.3d 952, 956 (9th Cir. 2011) (holding that a later-served defendant's  
 9 removal was timely because "each defendant is entitled to thirty days to exercise his removal  
 10 rights after being served."). Based on information and belief, GPI and Zero Max have not been  
 11 served. Cayton Decl. ¶ 5.

12  
 13 x. Non-Waiver of Right to Removal: W. Jean has not waived his right to remove  
 14 to this Court. Waiver of right to removal only occurs when a defendant takes an action that  
 15 manifests (1) an intent to have the case adjudicated in state court and (2) to abandon the right  
 16 to a federal forum. *Resolution Trust Corp. v. Bayside Developers*, 43 F.3d 1230, 1240 (9th  
 17 Cir. 1994).

18  
 19 x. Civil Cover Sheet: W. Jean has submitted a civil cover.

20  
 21 x. Pleadings and Process: A true and correct copy of the Complaint served upon  
 22 W. Jean is attached hereto as Exhibit 1. *See* 28 U.S.C. § 1446(a) and Local Civil Rule 101(b).

23 x. Complete Record of State Court Action: A copy of the complete record of the  
 24 State Court Action is attached to the Verification of State Court Records, which is being filed  
 25  
 26

1 concurrently with this Notice of Removal pursuant to 28 U.S.C. § 1446(a) and Local Civil  
2 Rule 101(c).

3 x. Notice: W. Jean will promptly serve Plaintiff and file with this Court its Notice  
4 to Plaintiff of Removal to Federal Court, informing Plaintiff that this matter has been removed  
5 to federal court. 28 U.S.C. §§ 1446(a), (d). W. Jean will also promptly file with the Clerk of  
6 the Superior Court of the State of Washington for the County of Pierce, and serve on Plaintiff,  
7 a Notice to Clerk of Removal to Federal Court pursuant to 28 U.S.C. § 1446(d). W. Jean  
8 attaches as Exhibit 2 to this Notice a copy of the notice to be filed with the state court (*without*  
9 *the notice's attachments*).  
10

11 x. Signature: This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See*  
12 28 U.S.C. § 1446(a).  
13  
14

15 DATED this 20<sup>th</sup> day of February 2024.  
16

17 SCHEER.LAW PLLC  
18

19 /s/ Jeremy L. Muth

20 /s/ Samuel E. Cayton

21 Jeremy L. Muth, WSBA No. 52055

22 jeremym@scheer.law

Samuel E. Cayton, WSBA No. 58591

23 samc@scheer.law

2101 Fourth Avenue, Suite 830

Seattle, WA 98121

(206) 800-4070

Attorneys for Defendants General Partners  
Group Inc, Jean Rameau, and Wilfred Jean  
25  
26

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington and the United States of America that the following is true and correct:

I am employed by the law firm of Scheer.Law PLLC.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the document(s) to which this is attached, in the manner noted on the following person(s):

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
<b><u>CO/ Plaintiff</u></b> Soh-Khieng Lim, WSBA No. 30607 Michael J. Fisher, WSBA No. 32778 Rush, Hannula, Harkins & Kyler, PLLC 4701 S 19 <sup>th</sup> Street, Suite 300 Tacoma, WA 98405 <u>Slim@rhhk.com</u> ; <u>Mfisher@rhhk.com</u>	<input type="checkbox"/> <b>Via U.S. Mail</b> <input checked="" type="checkbox"/> <b>Via E-Mail</b> <input type="checkbox"/> <b>Via E-Service</b> <input type="checkbox"/> <b>Via Overnight Mail</b>
<b><u>CO/ Plaintiff's Co-Counsel:</u></b> Cody Colwell, WSBA No. 41540 Chou Colwell, P.S. 11900 NE 1 <sup>st</sup> St, Ste 300 Bellevue, WA 98005 <u>Cody@choucolwell.com</u>	<input type="checkbox"/> <b>Via U.S. Mail</b> <input checked="" type="checkbox"/> <b>Via E-Mail</b> <input type="checkbox"/> <b>Via E-Service</b> <input type="checkbox"/> <b>Via Overnight Mail</b>

DATED this 20<sup>th</sup> day of February 2024 at Seattle, Washington.

/s/ Shiloh Angevine

Shiloh Angevine, Legal Assistant